REMARKS

Restriction

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

Group I. Claims 1-69, drawn to a method of treating an autoimmune disorder, classified in Class 424, subclass 130.1.

Group II. Claims 70 and 71, drawn to a kit comprising a MEDI-507 antibody, Class 435, subclass 810.

The Examiner alleges that Groups II and I are related as product and the process of using such product, and that in the instant case, the product as claimed can be used in a materially different process (*e.g.*, the antibody of Group II can be used for affinity purification and detection assays).

Species Election:

The Examiner further requires election of the following species:

If Group I is elected, Applicant is required to elect one species, and an additional subspecies if required, from each of Groups A-C:

A. An Autoimmune disorder or inflammatory disorder, such as from the "autoimmune disorders" and "inflammatory disorders" disclosed in the instant specification at pp. 25-27, *e.g.*, "psoriasis" or "septic shock"; and

B. One or more "CD2 binding molecules" and first and second "CD2 binding molecules," wherein Applicant is required to elect:

i. One CD2 binding molecule, for prosecution on the merits of the claims reciting one or more "CD2 binding molecules" (*e.g.*, claim 4); or

ii. Two "CD2 binding molecules" for prosecution on the merits of the claims reciting first and second "CD2 binding molecules"; and

C. Additional agents

i. An immunomodulatory agent;

ii. A dermatological agent;

iii. An anti-angiogenic agent; or

iv. An inflammatory agent.

Furthermore,

a) If **i.** is elected, Applicant is further required to elect a single

"immunomodulatory agent" species, *e.g.*, from those disclosed in the instant specification at p. 92, second paragraph to p. 93, first paragraph, such as "cyclosporine A"; or "cM-T412" (an anti-CD4 antibody/T cell receptor modulator); or "the extracellular domain of a TNF-α receptor or fragments thereof;

b) If **ii.** is elected, Applicant is further required to elect a single "dermatological agent" species, *e.g.*, as those recited in claim 42 such as "tazarotene";

c) If **iii.** is elected, Applicant is further required to elect a single "anti-angiogenic agent" species, *e.g.*, from those recited in the paragraph bridging pp. 96-97 of the instant specification, such as "anti-VEGFR antibodies";

d) If **iv.** is elected, Applicant is further required to elect a single "anti-inflammatory agent" species, *e.g.*, from those recited in claim 65, such as "aspirin."

The Examiner alleges that the "additional agent" species would require different searches in the scientific literature, and as such, it would be burdensome to search the species together.

Applicants asserts that, pursuant to MPEP § 803, the subject matter of the individual species can be examined together in a single application without imposing a serious burden on the Examiner. *See* the Manual of Patent Examining Procedure (Eighth Edition, Revision 3, August 2005; "MPEP" § 803), which states in part:

> If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

Nevertheless, to be fully responsive and to expedite the prosecution of the present application, Applicant hereby elects Group I, for claims 1-69, drawn to a method of treating an autoimmune disorder.

Applicant hereby further elects for each of the following species A-C:

For species A, Applicant elects psoriasis as the autoimmune or inflammatory disorder. For species B, Applicant elects **i.**, one CD2 binding molecule for prosecution on the merits of the claims reciting one or more "CD2 binding molecules," wherein such CD2 binding molecule is an anti-CD2 antibody. For species C, Applicant elects **iii.**, an anti-angiogenic agent wherein such anti-angiogenic agent is an antibody (or antibodies) that binds to TNF-α.

Applicant believes that claims 1, 6, 7, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 39, 40, 62, 63, 66, and 69 read on the elected species.

Attorneys for Applicant retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Should the species restriction be maintained, Applicant, upon the allowance of a generic claim, will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim pursuant to 37 C.F.R. § 1.141.

CONCLUSION

Applicant respectfully requests that the present remarks be made of record in the instant application. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

Date: July 10, 2006

Margaret B. Brivanlou 40,922

Margaret B. Brivanlou (Reg. No.)

by Lynda Nguyen
Reg. No. 54,338

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939